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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/579,761 | 12/18/2006 | Akiyoshi Nakamura | 291155US0PCT | 3001 |
| 22850 | 7590 | 04/29/2009 | | |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER BOLOTIN, DMITRIY | |
| | | | ART UNIT 2629 | PAPER NUMBER |
| | | | NOTIFICATION DATE 04/29/2009 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/579,761 | Applicant(s) NAKAMURA ET AL. | |
| | Examiner Dmitriy Bolotin | Art Unit 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/18/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Drawings

1. **Figure 2C** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Kazuo (Translation of JP 11-317183).

As to **claim 1**, Kazuo discloses an image display device, comprising: a rear plate (rear plate 15 of drawing 1) having a large number of electron emission elements formed in a predetermined arrangement (NxM cold cathode elements 12 of drawing 1); and a face plate placed opposite to the rear plate (face plate 17 of drawing 1) and having a pattern of a phosphor layer formed in a predetermined arrangement [0032 - 0033] and a pattern of a light absorption layer formed as a black matrix [0051], on an inner surface of a light transmissive panel (face plate 17 of drawing 1), wherein each pattern portion of the phosphor layer (fluorescence layer 18 of drawing 1) is comprised of a light emitting portion (florescent layer 18 not covered by metal back 19, [0033]) receiving electron beams emitted from the electron emission elements projected thereto to emit light (cold cathode elements 12 of drawing 1) and a non-light emitting portion (florescent layer 18 covered by metal back 19, [0033]) formed in a periphery of the light emitting portion [0033], and the each pattern portion has a polygonal shape obtained by cutting corners from a quadrangle concentric with the light emitting portion (pattern as

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shown in drawing 2, comprises rhombus elements which in turn are polygons formed by truncating the corners of quadrangle).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo in view of Applicant Admitted Prior Art (hereinafter PA).

As to **claim 2** (dependent on 1) and **claim 3**, Kazuo discloses an image display device, comprising: a rear plate (rear plate 15 of drawing 1) having a large number of electron emission elements formed in a predetermined arrangement (NxM cold cathode

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elements 12 of drawing 1); and a face plate placed opposite to the rear plate (face plate 17 of drawing 1) and having a pattern of a phosphor layer formed in a predetermined arrangement [0032 - 0033] and a pattern of a light absorption layer formed as a black matrix [0051] on an inner surface of a light transmissive panel (face plate 17 of drawing 1), wherein each pattern portion of the phosphor layer (fluorescence layer 18 of drawing 1) is composed of a light emitting portion (florescent layer 18 not covered by metal back 19, [0033]) receiving electron beams emitted from the electron emission elements projected thereto to emit light (cold cathode elements 12 of drawing 1) and a non-light emitting portion (florescent layer 18 covered by metal back 19, [0033]) formed in a periphery of the light emitting portion [0033], and

Kazuo fails to disclose that an area of the each pattern portion of the phosphor layer is 1.5 to 4 times an area of the light emitting portion.

In the same field of endeavor, PA discloses that the phosphor dot area is four times the area of light emitting region [0021].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Kazuo by setting the ratio of the area of phosphor dot and light emitting region according to PA, so as to provide an alternative way of designing a pixel, and also, the disclosure in the prior art of any value within a claimed range is an anticipation of the claimed range (see In re Wertheim, 191 USPQ 90 (CCPA 1976)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitriy Bolotin whose telephone number is (571)270-5873. The examiner can normally be reached on Monday-Friday, 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B./
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629